



United States Department of the Interior  
BUREAU OF LAND MANAGEMENT  
FILLMORE FIELD OFFICE

35 East 500 North  
Fillmore, Utah 84631



In Reply Refer to:  
3809 (UTW02000)  
UTU-70674-01

July 2, 2010

CERTIFIED MAIL # 7007 1490 0004 7118 2432  
RETURN RECEIPT REQUESTED

DECISION

DALE ROGERS  
455 N MAIN  
MILFORD UT 84751

43 CFR 3809 - Surface Management Plan

Determination of Required Financial Guarantee Amount

Bureau of Land Management (BLM) case file number UTU 70674-01, your Plan of Operation (Plan) for Multi-Colored Green Building Stone underwent inspection on June 23, 2010. The purpose of the inspection was to insure compliance with the Surface Management Regulations at 43 CFR § 3809 and to update the surety bond requirements for the operation.

Jerry Mansfield, Geologist for the BLM Fillmore Field Office (FFO) and John Rogers of the Utah Division of Oil, Gas, and Mining (UDOGM) were on site for the inspection. I understand in recent communication with UDOGM you expressed that you had transferred your interest in the operation to Mr. Lyle Jessop. Mr. Jessop was on site at the time of the inspection and confirmed your intent to transfer. BLM has not received the required documentation for such a transfer of operation or responsibility and carries you as the current operator of record with the responsibility to reclaim the site. The inspection also found that the current area approved for use and occupancy at the operation is not being used and your use and occupancy has been moved to an area that is not approved for such use. I recommend that you submit an amendment to the Plan and include any changes in the mining claims, operator, responsibility for previous operations, and operating procedures; failure to do so may result in issuance of notice of noncompliance.

Your notice proposes ten acres of disturbance in the SE1/4 of section 35, T. 25 S., R. 13 W. When the financial guarantee currently being held was calculated in 2003 the disturbance at the site consisted of approximately 3 acres. The current disturbance at the site is 4.75 acres, which along with cost adjustments leaves the current financial guarantee wholly inadequate.

RECEIVED

JUL 19 2010

DIV. OF OIL, GAS & MINING



Amount of Financial Guarantee – This office has calculated a cost estimate, and consulted with UDOGM to update the financial guarantee; BLM has determined that the amount of \$25,100 is sufficient to meet all anticipated reclamation requirements. The amount of the reclamation cost estimate was based on the operator complying with all applicable operating and reclamation requirements.

BLM's decision concerning the amount of the required financial guarantee does not relieve you, the operator, of your responsibility to be in compliance with all applicable Federal, State and local laws and regulations, and to obtain all applicable Federal, State and local authorizations and permits. You are responsible for preventing any unnecessary or undue degradation of public lands and resources, and for reclaiming all lands disturbed by your operations.

Required Financial Guarantee – A financial guarantee in the amount of \$25,100.00 must be filed and accepted by the Utah State Office of the BLM, PO Box 45155, Salt Lake City, Utah 84145-0155. You must receive written notification from that office accepting and obligating your financial guarantee before you may continue surface disturbing operations.

The types of financial instruments that are acceptable to the BLM are found at 43 CFR 3809.555. Please contact Rita Stelmach or Opie Abeyta, Land Law Examiners at the BLM Utah State Office, at (801) 539-4121 and (801) 539-4123 respectively for further information on the adjudication of financial guarantees.

This decision does not constitute certification of ownership to any entity named in the Plan, recognition of the validity of any associated mining claims; or recognition of the economic feasibility of the proposed operations.

Appeal of the Decision Determining the Required Financial Guarantee Amount - If you do not agree and are adversely affected by this decision, in accordance with 43 CFR 3809.804, you may request that the BLM Utah State Director review this decision. If you request a State Director review, the request must be received in the BLM Utah State Office, P.O. Box 45155, Salt Lake City, Utah 84145-0155, no later than 30 calendar days after you receive this decision. A copy of the request must also be sent to this office. The request must be in accordance with the provisions provided in 43 CFR 3809.805. If a State Director review is requested, this decision will remain in effect while the State Director review is pending, unless a Stay is granted by the State Director. Standards for obtaining a Stay are given below. If you request a Stay, you have the burden of proof to demonstrate that a Stay should be granted.

If the State Director does not make a decision concerning your request for review of this decision within 21 days of BLM's receipt of the request, you should consider the request declined and you may appeal this decision to the Interior Board of Land Appeals (IBLA). You may contact the BLM Utah State Office to determine when BLM receives the request for State Director Review. You have 30 days from the end of the 21 day period in which to file your notice of appeal with the IBLA (see procedures below). If you wish to bypass a State Director review, this decision may be appealed directly to the IBLA in accordance with the regulations contained in 43 CFR, Part 4 and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in the Fillmore Field Office at, 35 East 500 North, Fillmore, Utah 84631 within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.



If you wish to file a petition pursuant to regulation 43 CFR 4.21 for a Stay of the effectiveness of this decision during the time that your appeal is being reviewed by the IBLA, the petition for a Stay must accompany your notice of appeal. A petition for a Stay is required to show sufficient justification based on the standards listed below. Copies of this notice of appeal and petition for a Stay must also be submitted to each party named in the decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a Stay, you have the burden of proof to demonstrate that a Stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a Stay of a decision pending appeal shall show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied,
2. The likelihood of the appellant's success on the merits,
3. The likelihood of immediate and irreparable harm if the Stay is not granted, and
4. Whether the public interest favors granting the Stay.

If you have any questions, please contact Jerry Mansfield, FFO Geologist, at (435) 743-3125.

Sincerely,

*Randy Beckett* - Asst. FOM  
for

Patricia M. Bailey  
Acting Field Manager

Enclosure: Form 1842-1

cc:

John Rogers

UDOGM

1594 W North Temple Ste 1210

Salt Lake City, UT 84114

Opie Abeyta (UT-923)

Utah State Office/ BLM

PO Box 45155

Salt Lake City, UT 84145-0155

Lyle Jessop

PO Box 602

445 West Academy Ave.

Colorado City, AZ 86021